

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

JOINT STIPULATION REGARDING ADMISSION OF EXHIBITS IN EVIDENCE

To the Honorable United States District Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as sole Title III representative of the Commonwealth of Puerto Rico (the “Commonwealth”), the Puerto Rico Public Buildings Authority (“PBA”), and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS,” and together with the Commonwealth and PBA, the “Debtors”) pursuant to section 315(b) of the *Puerto Rico Oversight, Management,*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

and Economic Stability Act (“PROMESA”),² the Monolines,³ U.S. Bank Trust National Association and U.S. Bank National Association (together, “U.S. Bank”), the Official Committee of Retired Employees of the Commonwealth of Puerto Rico (the “Retiree Committee”), Suiza Dairy Corp. (“Suiza”), and Peter C. Hein (collectively, the “Parties”), by and through their attorneys, hereby submit this joint stipulation and proposed order (the “Stipulation”)⁴:

WHEREAS, during the November 10, 2021 session of the hearing for confirmation (the “Confirmation Hearing”) of the *Modified Eighth Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, et al.* [Case No. 17-BK-3283-LTS, ECF No. 19114] (as it may be amended, modified or supplemented, the “Plan”), the Court, among other things, (1) admitted Debtors’ Exhibits 1-56, 111-117, 122-132, 135-137, and 143-146 in evidence [see ECF No. 19155]; and (2) issued an oral order (the “Oral Order”) directing the Parties, in advance of the November 12, 2021 session of the Confirmation Hearing, to meet and confer and file a stipulation regarding the admission into evidence at the Confirmation Hearing of any remaining exhibits proffered by the Parties.

² PROMESA has been codified at 48 U.S.C. §§ 2101–2241.

³ “Monolines” means Assured Guaranty Corp. (“AGC”), Assured Guaranty Municipal Corp. (f/k/a Financial Security Assurance Inc.) (together with AGC, “Assured”), Ambac Assurance Corporation (“Ambac”), National Public Finance Guarantee Corp. (“National”), and Financial Guaranty Insurance Company (“FGIC”).

⁴ On November 8, 2021, AmeriNational Community Services, LLC (the “Servicer”), as servicer for the GDB Debt Recovery Authority (the “DRA”), and Cantor-Katz Collateral Monitor LLC (the “Collateral Monitor,” and together with the Servicer, the “DRA Parties”) filed a *Notice of Withdrawal of the DRA Parties’ Plan Objection Related Filings* [ECF No. 19121], which withdrew, among other things, each of the DRA Parties’ exhibits filed in connection with the Confirmation Hearing. The DRA Parties are not parties to this Stipulation but were consulted and conferred upon prior to the filing of this Stipulation.

WHEREAS, pursuant to the Oral Order, the Parties met and conferred via email on November 11, 2021 and agreed to the admission of the Parties' exhibits in evidence at the Confirmation Hearing.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:

1. In addition to the exhibits already entered into evidence, the exhibits (other than the exhibits marked for "identification" only or subsequently withdrawn) proffered by the Monolines (attached as **Schedule A** to **Attachment 1** hereto), U.S. Bank Trust National Association and U.S. Bank National Association (together, "**U.S. Bank**") (attached as **Schedule B** to **Attachment 1** hereto), the Official Committee of Retired Employees of the Commonwealth of Puerto Rico (the "**Retiree Committee**") (attached as **Schedule C** to **Attachment 1** hereto), Suiza Dairy Corp. ("**Suiza**") (attached as **Schedule D** to **Attachment 1** hereto), and Peter C. Hein (attached as **Schedules E, F and G** to **Attachment 1** hereto, with the exception of Mr. Hein's Exhibits AAA and JJ), (collectively, the "**Parties**"), shall be admitted into evidence at the Confirmation Hearing for the purposes identified in the "Basis" column in each Schedule⁵.

2. For clarity of the record, the Oversight Board and Mr. Hein submit as **Attachment 2** hereto substitute versions of Mr. Hein's Exhibits AAA and JJ (the "**Substituted Exhibits**"), redacting any testimony as to which the Oversight Board's objections were sustained pursuant to the Court's *Order Concerning the Oversight Board's Declarations of Mark Elliott Offered by*

⁵ Servicer for the DRA has advised that they reserve all rights to raise arguments in the Confirmation Hearing objecting to the admissibility of Monolines' exhibits 45, 52, and 53 as irrelevant and immaterial under Fed. R. Evid. 401 and 402 in light of the Court's *Opinion and Order Granting Defendants' Motion to Dismiss the Complaint* [Case No. 21-00068, ECF No. 83].

Peter C. Hein [ECF No. 19123]. The Substituted Exhibits shall also be admitted into evidence at the Confirmation Hearing.

Dated: November 12, 2021

San Juan, Puerto Rico

Respectfully submitted,

/s/ Michael A. Firestein

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IT IS SO ORDERED:

Dated: November __, 2021
San Juan, Puerto Rico

THE HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE